

DONNA WHITAKER

Plaintiff,

V.

CIVIL ACTION NO

LAW ENFORCEMENT SYSTEMS, LLC

Defendant.

JUNE 18, 2014

COMPLAINT

Plaintiff, sues Defendant a non-licensed collection agency, which is illegally doing business in Maryland and alleges:

I. PRELIMINARY STATEMENT

1. This is an action brought pursuant to 15 D.S.C. § 1692, *et sequi*, known more commonly as the "Fair Debt Collection Practices Act" ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. The jurisdiction of this Court arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. ALLEGATIONS AS TO PARTIES

3. Plaintiff is a resident of Silver Springs, Maryland.
4. At all times material hereto, Defendant, ("Collection Agency), was not licensed as a collection agency as required by the Maryland Department of Financial Regulation.
5. At all times material hereto, Defendant was doing business in Maryland.
6. At all times material hereto, Defendant, was acting like a licensed collection agency with a principal place of business at 633 West Wisconsin Avenue, Suite 1600

7. Defendant is or was engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempted to collect consumer debts alleged to be due to another in the State of Maryland.

IV. FACTUAL ALLEGATIONS

8. Defendant is the collection agent for 495 express lanes and regularly collected or attempted to collect monies from consumers for delinquent or alleged delinquent personal debt. (Toll Invoice Debt). See Exhibit "1".

9. On or about June 17, 2014, Defendant communicated with the Plaintiff for the purpose of collecting monies for an alleged delinquent toll purportedly owed by plaintiff to the creditor, who Defendant failed to identify by name as required pursuant to §1692g.

V. DEFENDANTS' PRACTICES

10. It is or was the policy and practice of Defendant to communicate with Maryland consumers in a manner which was reasonably calculated to confuse or frustrate, or mislead MD consumers in violation of the FDCPA §1692e.

11. Defendant communicated with the Plaintiff and attempted to collect this alleged debt.

12. Plaintiff was advised by a collection agent who identified herself as Sylvia that there was a charge of a \$.55 toll, in addition to other fees.

13. Defendant through a female collection agent advised the Plaintiff that she could not dispute the Debt because it was after 30 day.

14. Defendant through a collection agent advised the Plaintiff that she could not dispute the Debt because Plaintiff could only dispute the debt, if she moved and her change of address did not take effect.

15. Defendant through a female collection agent advised the Plaintiff that she could not dispute the Debt, will do nothing on this account and Plaintiff could be taken to court.

16. Defendant's reasons for declining to take the Plaintiff's dispute was false, deceptive or misleading and in violation of §1692e.

VI. ALLEGATIONS OF LAW

A. General

17. At all times material hereto, plaintiff was a "consumer" as said term is defined under 15 U.S.C. §1692a (3).

18. At all times material hereto, "495 Express Lanes", represented by Defendant was a "creditor" as said term is defined under 15 U.S.C. §1692a (4).

19. At all times material hereto, the amount purportedly owed to "Toll Invoice Debt" represented by Defendant was a "debt" as said term is defined under 15 U.S.C. §1692a (5).

A. Unlawful Claim

20. With respect to the attempt by Defendant to collect the alleged debt as more particularly described above, the conduct of Defendant violated the FDCPA, including but not limited to:

a. The use of false representations, deceptive or misleading representations or means to collect or attempt to collect a debt in violation of 15 U.S.C. §1692e.

b. The collection of a debt without the proper license as required by MD Collection Agency Act.

c. The failure to provide the name of the "creditor" in the initial collection letter to the Plaintiff.

21 As a result of Defendant's' conduct, Plaintiff is entitled to an award of actual and statutory damages pursuant to 15 U.S.C. §1692k.

22. Plaintiff is entitled to an award of costs and attorneys fees pursuant to 15 U.S.C. § 1692k.

WHEREFORE, Plaintiff, an individual, requests judgment be entered in her favor against Defendant for:

1. Actual and statutory damages pursuant to 15 U.S.C. §1692k;
2. An award of costs and attorney's fees pursuant to 15 U.S.C. § 1692k; and
3. Such other and further relief as the Court may deem just and equitable.

DEMAND FOR JURY TRIAL

THE PLAINTIFF


BY/S/Bernard T. Kennedy

Bernard T. Kennedy, Esquire

The Kennedy Law Firm

163 Mitchells Chance Road, #244

Edgewater, MD 21037

Ph (443) 607-8901

Fax (443) 440-6372

Fed. Bar # Md26843

bernardtkennedy@yahoo.com

CERTIFICATION

I hereby certify that on 6/18/14 a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

BY/S/Bernard T. Kennedy

Law Enforcement Systems, LLC

Po Box 2182

Milwaukee, WI 53201

(866) 470-1305

**Demand for Payment
And
Credit Bureau Warning**



LES Account #: 54591012

Plate: 3AN4187

Due Date: 06/29/2014

Total Due: \$ 100.55

May 30, 2014

Immediate Attention Required!

To date your balance is still outstanding. Law Enforcement Systems LLC, has previously written you concerning your unresolved toll invoice debt assigned to Law Enforcement Systems, LLC by the 495 Express Lanes. Additional actions may include listing your debt with the national credit reporting agencies.

Although the unpaid toll invoice(s) is now eligible for credit bureau reporting, 495 Express Lanes has authorized an additional 30 day notice to satisfy your debt prior to listing your account with the national credit bureaus. Failure to pay this debt within 30 days of notice date will result in your account being listed with the national credit bureaus.

If you have any questions, please call Law Enforcement Systems at (866) 470-1305 Monday through Thursday between 8:00 am and 9:00 pm, Friday 9:00 am – 6:00 pm and Saturday 9:30 am to 1:30 pm Eastern Standard Time.

Plate	State	Violation	Travel Date	Violation Description	Exit Plaza	Exit Lane	Amount Due
3AN4187	MD	24582086	04/11/2013	TOLL VIOLATION	495009	2	100.55
<div data-bbox="883 806 1198 1003" data-label="Image"> </div>							
* Total Due may include other violations not listed here, and may not include all open violations.							\$ 100.55*

THIS COMMUNICATION IS FROM A DEBT COLLECTION AGENCY. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions, www.wdfl.org.

Detach Lower Portion and Return with Payment

ICSPROF705051



CSPROF70

PO Box 1022

Wixom MI 48393-1022

ADDRESS SERVICE REQUESTED

Re: Unpaid Toll Violation
LES Account #: 54591012
Notice #: 02513601011885
Plate: 3AN4187
Due Date: 06/29/2014
Total Due: \$ 100.55

24582086-5051 321794362



DONNA WHITAKER
14104 Castle Blvd Apt 201
Silver Spring MD 20904-4631

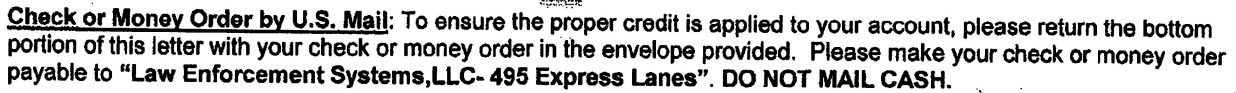
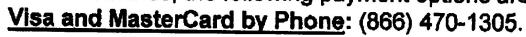
CHECK PAYABLE TO:

Law Enforcement Systems, LLC- 495 Express Lanes
PO Box 3032
Milwaukee, WI 53201-3032



TRANS 02513601011885 010055

For your convenience, the following payment options are available:



Your continue failure to pay or to respond to this notice may result in your credit report being negatively affected. The possible implications of a low credit score may include the following:

1. Requirement to pay security deposit for utility bills.
2. May be denied employment.
3. May be difficult to purchase a home or rent an apartment.
4. May have to pay higher interest rates on credit cards/loans or denial of credit/loan applications.

This is **NOT** an opportunity to appeal this citation with the 495 Express Lanes as the time frame for that action has expired.

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